

REMARKS

In the outstanding Official Action, claims 1-18 and 30 were rejected under 35 USC 103(a) as being unpatentable over Lee in view of Son et al, for the reasons of record. Specifically with regard to independent claims 1, 10 and 30, it was admitted in the Action that Lee fails to teach or suggest a base station of the telecommunication system which switches over to a different user rate in response to the reception of a second signal. However, it was suggested in the Action that Son teaches a method for implementing flexible calling plans that allows a wireless telephone subscriber to define the home regions by the area of coverage provided by one or more cell sites cellular service or cell-site equivalents, and it was suggested to have been obvious to incorporate these teachings into the system of Lee to render the present invention obvious.

In response, it is respectfully submitted that, absent the benefit of impermissible hindsight derived from the instant disclosure, it would not have been obvious for one of ordinary skill in the art to combine the above teachings as suggested. As admitted in the Action, the two references teach two different techniques regarding the implementation of different billing rates, and absent the benefit of impermissible hindsight there is no motivation or teaching in either reference to suggest that their

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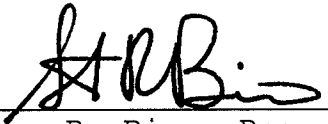
different techniques might advantageously be substituted or exchanged.

Furthermore, even if it is assumed, *arguendo*, that the references are properly combinable, the Action does not expressly state that Son expressly teaches that the mobile telephone transmits that it received the first signal via a second signal to a base station of the telecommunication system which switches over to a different user rate in response to the reception of the second signal. Finally, to reiterate and expand upon an argument made in the last amendment, it is noted that Lee requires two separate and removed elements of a mobile exchange and a billing center, which appears to be at least partially due to the fact that Lee switches from wired-based rates to mobile rates and would therefore be unsuitable for switching between mobile radio network rates. With respect to the suggested combination of the Lee and Son references, it is respectfully submitted that the foregoing requirements of Lee further establish that it would be unobvious and inappropriate to apply the teachings of Son to Lee, since the latter is directed to a system application which does not require and would not benefit from the teachings of Son.

In view of the foregoing, it is respectfully submitted that independent claims 1, 10 and 30, as well as the remaining claims depending therefrom, are clearly patentably distinguishable over the cited and applied references. Accordingly, it is respectfully

submitted that allowance of the instant application is justified at this time, and favorable consideration is earnestly solicited.

Respectfully submitted,

By 
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